

**UNITED STATES DISTRICT COURT
ARIZONA – PHOENIX**

January 11, 2022

USA v. Joseph John Marak

Case Number: CR-22-00021-001-PHX-SMB

ORDER SETTING CONDITIONS OF RELEASE

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JAN 11 2022	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY DEPUTY	

- ☒ **PERSONAL RECOGNIZANCE**
- ☐ **AMOUNT OF BOND:**
- ☐ **UNSECURED**
- ☐ **SECURED BY:**
- SECURITY TO BE POSTED BY:**

NEXT APPEARANCE: Sentencing on 3/28/2022 at 10:30 AM or as directed through counsel

- ☒ 401 West Washington St., Phoenix, AZ, Courtroom #506, 5th Floor

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the Court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS ORDERED that defendant is subject to the following conditions and shall:

- ☒ promise to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☒ IMMEDIATELY advise his/her attorney and Pretrial Services, in writing, PRIOR to any change in residence address, mailing address and telephone number.
- ☐ maintain or actively seek employment (combination work/school) and provide proof of such to Pretrial Services.
- ☐ not travel outside of Arizona unless PRIOR Court or Pretrial Services permission is granted to do so.
- ☐ only travel directly to the prosecuting district, and through all states and counties between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences unless PRIOR Court or Pretrial Services permission is granted to travel elsewhere.
- ☐ avoid all direct or indirect contact with persons who are considered alleged victim(s) or potential witness(es).
- ☐ shall report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350; 401 W. Washington St., Suite 260, Phoenix, AZ 85003.
- ☐ not drive without a valid driver license.
- ☐ execute an agreement to forfeit the bond or designated property upon failing to appear as required:
- ☐ be released to the third-party custody of: and shall reside with the third-party custodian unless Pretrial Services approves the defendant to reside elsewhere.
- ☐ Choose an item. The defendant shall participate in alcohol treatment, submit to alcohol testing and make copayment toward the cost of such services, as directed by Pretrial Services. The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any substance use testing or monitoring.
- ☐ not use or possess a narcotic drug or other controlled substance (as defined by 21 U.S.C. § 802) unless prescribed for the defendant by a licensed medical practitioner; this provision does not permit the use or possession of medicinal marijuana even with a physician's written certification. The defendant shall not

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possess, ingest, or otherwise use a synthetic cannabinoid or synthetic narcotic. The defendant shall participate in drug treatment and submit to drug testing and make copayment toward the cost of such services as directed by Pretrial Services. The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any substance use testing or monitoring.

- ☐ surrender all travel documents to Pretrial Services by and shall not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ not obtain a passport or other travel documents during the pendency of these proceedings.
- ☐ maintain or commence an educational program and provide proof of such to Pretrial Services.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☐ abide by specified restrictions on personal associations, place of abode or travel.
- ☒ maintain weekly contact with his/her attorney by Friday, noon of each week.
- ☐ timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of: \$.
- ☐ not obtain any new financial accounts without prior notification and approval of Pretrial Services.
- ☐ participate in a mental health treatment program and comply with all the treatment requirements including taking all medication prescribed by the mental health care provider and make a copayment toward the cost of such services as directed by Pretrial Services.
- ☐ resolve all pending lower court matters and provide proof of such to Pretrial Services.
- ☐ participate in a Specialized Treatment Program and comply with all treatment requirements including taking all medications prescribed by a physician/psychiatrist and make a copayment toward the cost of services as directed by Pretrial Services.
- ☐ register as a sex offender in compliance with all federal, state, tribal or local laws or as ordered by the court. Failure to comply with registration laws may result in new criminal charges.
- ☐

ADVICE OF PENALTIES AND SANCTIONS

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more

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- you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE: 1/11/22	SIGNATURE OF DEFENDANT 
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Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)

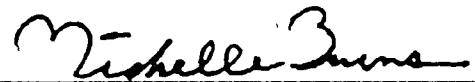
Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

The U.S. Marshal is directed to bring the defendant bag and baggage to the Courthouse on for release from the U.S. Marshals Service office at 8:30 a.m.

Dated this 11th day of January, 2022.

USA, PTS/PROB, USM, DEFT, DEFT ATTY



Honorable Michelle H. Burns
United States Magistrate Judge